

Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 11/4/2016 3:41:58 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: RE: compare word doc - Whole Foods

With regard to organization of the document, what I meant is that I'm not going to get upset if one party thinks a paragraph should go under preliminary statement versus jurisdiction...

From: Welles, Laura
Sent: Friday, November 04, 2016 11:37 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: compare word doc - Whole Foods

I just did a read through and made some comments (they start with LW because I couldn't change the color of the track changes) about WF's proposed changes. I don't know about you, but I'm not so worried about headings, organization, etc. – I'm more concerned with ensuring we have all the key provisions in the document so that it's clear what's required, including time frames, the agreement complies with Part 22, and that overall the agreeable is enforceable.

As you'll find, there are some sections I haven't commented on (e.g., statutory background, etc.). I think this can be fleshed out and abbreviated.

I agree with you re: missing details about the program and no reference to confidential appendices. This is problematic...I made a note that I'm going to look at this more closely and will flesh out before the next WF call (don't worry – it will be enough time so that you can weigh in and we can go from there, etc.).

Also – I want to know more about why they took the universal waste count out. I have a theory, but I'm still waiting to hear back from ORCR on that...

I'm curious to see if we are on the same page re: the changes. You definitely have more of a sense of what the EAB expects, etc.

From: Fogarty, Johnpc
Sent: Thursday, November 03, 2016 5:18 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: compare word doc - Whole Foods

OK, thanks. The other major component that's missing is the (confidential) appendix and details for how they're going to implement the program. And the compliance obligations seem pretty light, but I need to defer to you.

From: Welles, Laura
Sent: Thursday, November 03, 2016 4:46 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: compare word doc - Whole Foods

I'll get something to you tomorrow with comments about changes, etc.

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Fogarty, Johnpc
Sent: Thursday, November 03, 2016 3:25 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: compare word doc - Whole Foods

Ex. 5 AC/AWP/DP

From: Welles, Laura
Sent: Thursday, November 03, 2016 1:45 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: compare word doc - Whole Foods

Just as a heads up (and I know this sounds cryptic), but I may know why Whole Foods took out the second count. I'm going to track it down and let you know what I find out, etc.

From: Fogarty, Johnpc
Sent: Thursday, November 03, 2016 11:43 AM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: compare word doc - Whole Foods

Got it.

From: Welles, Laura
Sent: Thursday, November 03, 2016 11:42 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: compare word doc - Whole Foods

Spent mercury-containing lamps are UW.

From: Fogarty, Johnpc
Sent: Thursday, November 03, 2016 11:37 AM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: compare word doc - Whole Foods

So mercury-containing light bulbs are UW or not?

From: Welles, Laura
Sent: Thursday, November 03, 2016 11:29 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: compare word doc - Whole Foods

Sorry for any confusion...

Under the federal universal waste rule, there are 4 types of universal waste:

1. Batteries as described in 273.2;

2. Pesticides as described in 273.3;
3. Mercury-containing equipment as described in 273.4 – (examples of mercury-containing equipment include thermostats, barometers, manometers, and mercury switches); and
4. Lamps (e.g., fluorescent lamps) described in 273.5

Under the federal UW rule, PCB-containing ballast is not UW.

Ex. 5 AC/AWP/DP

Does that make better sense?

From: Fogarty, Johnpc
Sent: Thursday, November 03, 2016 11:09 AM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: compare word doc - Whole Foods

Not sure where this leaves us.

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Welles, Laura
Sent: Thursday, November 03, 2016 11:01 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: compare word doc - Whole Foods

I spoke to both Tony and Ann re: your questions.

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

There are some states that include ballast as universal waste – scroll to bottom of this website –
<https://www.epa.gov/hw/us-state-universal-waste-programs#why>.

From: Fogarty, Johnpc
Sent: Wednesday, November 02, 2016 5:20 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: compare word doc - Whole Foods

I will review tomorrow.

Btw, it appears that the PCBs are in the fluorescent light ballasts, which are part of the fixture and not part of the light tubes themselves.

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Thx!

From: Welles, Laura
Sent: Wednesday, November 02, 2016 5:01 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: compare word doc - Whole Foods

I couldn't find any track changes on the WF revised draft and so I compared the two – see attached.

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